

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
WANDA M REYES VELAZQUEZ

CASE NO. 11-00850-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,900.00 Fees paid: \$0.00 Fees Outstanding: \$2,900.00
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With respect to the proposed (amended) Plan dated: **March 18, 2011** (Dkt 14).

Plan Base: **22,100.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Unfair Discrimination [11 U.S.C. §1322(a)(3) & (b)(1)]

Debtor's plan proposes to pay ahead to unsecured creditor, Banco Cooperativo. As of this date, Banco Cooperativo has not filed a proof of claim, thus, Debtor must submit evidence of the alleged co-debtor in the contract with Banco Cooperativo, account number 0668 in order to corroborate that Debtor is classifying separately a cosigned claim pursuant to 11 U.S.C. §1325(b)(1). *Southeastern Bank v. Brown*, 266 B.R. (S.D. Ga. 2001).

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor has failed to submit evidence of filing the 2010 income tax return. Thus, the §341 Meeting has been held open for fifteen (15) days until compliance with §1308.

- Other/Comments

On March 15, 2011, FirstBank filed an objection to Debtor's plan confirmation requesting adequate protection and evidence of the insurance policy with the applicable term of the contract between Debtor and FirstBank. (Docket No. 13)

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this March 21, 2011.

/s/ Jose R. Carrion

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION

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CHAPTER 13 TRUSTEE
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